

**MINUTES**  
**Crested Butte Town Council**  
**Regular Council Meeting**  
**July 16, 2012**  
**Council Chambers, Crested Butte Town Hall**

Mayor Aaron Huckstep called the meeting to order at 7:04 p.m. Councilmembers present: Glenn Michel, Roland Mason, Jim Schmidt, Shaun Matuszewicz and David Owen. Councilmember absent: John Wirsing. Staff Present: Acting Town Manager Lois Rozman, Town Clerk Eileen Hughes, Town Attorney John Belkin, Parks and Recreation Director Jake Jones (for part of the meeting) and Chief Marshal Tom Martin (for part of the meeting).

**APPROVAL OF AGENDA**

Matuszewicz moved and Mason seconded to approve the agenda. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

**CONSENT AGENDA**

A) Approval of Minutes of July 3, 2012 Regular Council Meeting.

Matuszewicz moved and Owen seconded to approve the Consent Agenda. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Mayor Huckstep said the Council sends its condolences to Marshal Jack Crumpton on the passing of his wife, Elaine Crumpton.

**PUBLIC COMMENTS**

Crested Butte resident Carolyn Blanchard, who resides at 214 1<sup>st</sup> Street, noted the letter she emailed to Council regarding the Town's notice that she must immediately remove her landscaping encroachments into the alley because a water line in the alley needs repair. Blanchard said Town staff told her they may immediately bulldoze the alley to allow the repairs. Blanchard said the Town Manager later said the Town may be able to give her until next year to remove some of the encroachments. Blanchard said other than what is essential to be removed now she would like the Town give her until next year to remove the encroachments.

Doug Hudson and other representatives of the Gunnison Valley OHV Alliance of Trail Riders (GOATS) and Crested Butte Mountain Bike Association representative Dave Ochs asked Council to write a letter to the U.S. Forest Service (USFS) in support of a grant for a new bridge at the Deadman's Gulch Trailhead. They noted that the USFS's grant request for the bridge project was denied, but the USFS plans to re-apply. Hudson said local trail riders are planning a campaign to raise \$30,000 to provide a match for the USFS's \$60,000 grant request. Ochs said if trail enthusiasts can raise funds it will help the success of the grant. Council said it is willing to write another letter in support of the project and would discuss the topic later in the meeting under Other Business.

**STAFF UPDATES**

Jake Jones:

- The event area on the Town Ranch is working well, a few events and a couple of weddings have been held thus far this summer.

- This weekend will be the first special event in the covered ice rink. Kids have also been playing in the rink lately during rainstorms.

Tom Martin:

- The 4<sup>th</sup> of July went very well and residents and visitors all seemed to enjoy the festivities.
- Bear issues are escalating. He recently met with representatives of the Division of Wildlife who said food sources for bears are low. There are four bears in town currently and Marshal's are receiving 4-5 calls a day about bears. A councilmember noted that trash cans at the Center for the Arts are a problem. Martin said he spoke with the Director of the Center for the Arts about the issue.

Eileen Hughes:

- Noted a public service announcement was placed in the Crested Butte News about the formation of a cemetery committee and a letter to the editor is scheduled to appear in this week's edition.
- Council asked a few questions about issues with the Council's I-pad passwords for e-mails. Hughes asked Council to contact her first about any issues and she will contact GL computers, if necessary.

Lois Rozman:

- Reported that the Town started a new health care plan for Town employees, which will save the Town about \$50,000.
- She attended a webinar about changes on the horizon due to the Affordable Health Care Act.

### **PUBLIC HEARINGS**

A) Transfer of Forest Queen Old Croatian Hotel and Restaurant Liquor License located at 129 Elk Avenue to Dutch Corp.

Mayor Huckstep confirmed with the Town Clerk that proper public notice of the public hearing was given. Huckstep noted the staff report on the topic from the Town Clerk, which recommends approval of the transfer of the liquor license.

Mayor Huckstep opened the public hearing. Dutch Corp. representative Kristy Swanson spoke in support of the license transfer. There were no public comments. Mayor Huckstep closed the public hearing.

Michel moved and Schmidt seconded to approve the transfer of a Hotel and Restaurant Liquor License for the Forest Queen Old Croatian located at 129 Elk Avenue for the reasons stated in the staff report dated July 12, 2012. A roll call vote was taken with a voting "Yes." **Motion passed unanimously.**

B) Special Event Permit – USA Pro Cycling Challenge – QPC LOC, Inc. – August 20 & 21, 2012 – Streets & Post Office Parking Lot.

Mayor Huckstep recused himself from the discussion stating he is involved with QPC LOC Inc. Mayor Huckstep left the Council chambers and Mayor Pro-tem Jim Schmidt took over as Chair of the meeting.

Hughes confirmed that proper public notice of the public hearing was given.

QPC LOC, Inc. representative Dave Ochs said the USA Pro Cycling Challenge event is essentially the same as last year except a pre-event hype party with some fun bike events will be held on the night before the event. Council asked several questions about the beer garden as well as race support vehicles. Council noted that the beer garden diagram did not indicate any ingress or egress onto Elk Avenue. Ochs said that was overlooked on the diagram and will be revised. Ochs also noted that the time stated on page 4 of the application for the community calendar announcement should be changed to 6 p.m.

Mayor Pro-tem Schmidt opened the public hearing. There were no public comments. Mayor Pro-tem Schmidt closed the public hearing.

Matusiewicz moved and Owen seconded to approve the QPC LOC, Inc. special event application for the USA Pro Cycling Challenge on August 20 and 21, 2012 contingent upon proper proof of insurance being provided to the Town prior to the event and with event diagram revised to indicate ingress and egress to Elk Avenue from the beer garden area. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

C) Special Event Liquor License - USA Pro Cycling Challenge – QPC LOC, Inc. – 5 p.m. to 12 a.m. August 20 & 10:30 a.m. to 12 a.m. August 21, 2012 – Post Office Parking Lot & 200 block of Elk Avenue.

Council asked a few questions about the time of liquor service for the event. Town Clerk Eileen Hughes explained that the special event permit covers time when liquor is on location, but is not being served.

Hughes confirmed that proper public notice of the public hearing was given.

Mayor Pro-tem Schmidt opened the public hearing. There were no public comments. Mayor Pro-tem Schmidt closed the public hearing.

Michel moved and Mason seconded to approve the QPC LOC, Inc. special event liquor license application for 5 p.m. to midnight on August 20, 2012 and 10:30 a.m. to midnight on August 21, 2012 at the Post Office Parking lot and the 200 Block of Elk Avenue. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Mayor Huckstep returned to the Council Chambers and resumed chairing the meeting.

D) Special Event Permit – Western Colorado University – West Elk Bicycle Classic – Whiterock Avenue & 4<sup>th</sup> Street – September 2, 2012 from 12 p.m. to 10 p.m.

Huckstep noted the staff report from Deputy Town Clerk Carmen Bell. Huckstep confirmed with the Town Clerk that proper public notice of the public hearing was given.

Jarral Ryter was present representing the West Elk Bicycle Classic event. Council asked about the safety of cyclists at the stop signs on Whiterock Avenue. Ryter replied that volunteer course marshals will be present at the stop signs. Ryter also noted that there will likely only be 100 participants in the event and they will be spread out. He said timing will be stopped at the top of Kebler Pass and the race will be a "neutral" finish in town.

Schmidt moved and Matusiewicz seconded to approve Western Colorado University's special event application for the West Elk Bike Classic for September 2, 2012 contingent upon proper proof of insurance being submitted prior to the event. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

E) Special Event Liquor License – Western Colorado University – September 2, 2012 from 12 p.m. to 10 p.m. on 4<sup>th</sup> Street and 404 Elk Avenue.

Mayor Huckstep confirmed with the Town Clerk that proper public notice of the public hearing was given. Mayor Huckstep noted the staff report, which recommends approval of the liquor license.

Mayor Huckstep opened the public hearing. There were no public comments. Mayor Huckstep closed the public hearing.

Matusiewicz moved and Owen seconded to approve Western State University's special event liquor license application for 12 p.m. to 10 p.m. on September 2, 2012 at 404 Elk Avenue and 4<sup>th</sup> Street. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

F) Ordinance No 7, Series 2012-An Ordinance Granting A Franchise To The Gunnison County Electric Association, Inc., A Colorado Electric Cooperative, To Operate An Electric Supply And Distribution System In The Town Of Crested Butte, Colorado.

Mayor Huckstep read the title of the ordinance and confirmed with the Town Clerk that proper public notice of the public hearing was given. Town Attorney John Belkin noted there were no changes to the ordinance since the last Council meeting.

Mayor Huckstep opened the public hearing. There were no public comments. Mayor Huckstep closed the public hearing.

Schmidt moved and Mason seconded to approve Ordinance No. 7, Series 2012. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

G) Ordinance No. 8, 2012 - An Ordinance Amending The Town's Sign Regulations Contained In Chapter 16, Article 18 Of The Crested Butte Municipal Code To Clarify The Limitations On Projecting Signs And Make Other Technical Revisions To Such Regulations.

Mayor Huckstep read the title of ordinance and confirmed with the Town Clerk that proper public notice of the public hearing was given. A councilmember said he supported the ordinance.

Mayor Huckstep opened the public hearing. There were no public comments. Mayor Huckstep closed the public hearing.

Matusiewicz moved and Owen seconded to approve Ordinance No. 8, Series 2012. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

H) Ratification of Ordinance No. 9, Series 2012- An Emergency Ordinance Implementing A Stage 2 Fire Ban In The Town of Crested Butte.

Mayor Huckstep read the title of the Ordinance and confirmed with the Town Clerk that proper public notice of the public hearing was given. Huckstep noted the staff report e-mail from Chief Marshal Tom Martin about lifting the Stage 2 Fire restrictions. Council asked Martin how certain he was that Gunnison County would lift the Stage 2 fire restrictions in the County. Martin said he was certain the County would lift Stage 2 restrictions at the Board of County Commissioners meeting on July 17, 2012 and he anticipated the County would lower the fire restrictions to Stage 1. Martin noted that the Town of Crested Butte's year-round fire restrictions are very similar to Stage 1 restrictions and prohibit open burning except for in fireplaces and chimneas. Martin noted that Town regulations also ban fireworks. Martin said he appreciated the community and the Council's strong support of the Stage 2 fire restrictions.

Mayor Huckstep opened the public hearing. There were no public comments. Mayor Huckstep closed the public hearing.

Town Clerk Eileen Hughes recommended that Council ratify Ordinance No. 9, Series 2012 and then approve a motion lifting the Stage 2 fire restrictions. Town Attorney John Belkin said he believed Ordinance No. 9, Series 2012 should be repealed. There was some debate as to the proper procedural course of action, but Council noted that Ordinance 9 states that the Stage 2 fire restrictions would be in effect until lifted, so ratifying the ordinance then lifting the restrictions with a motion appears to be procedurally correct.

Schmidt moved and Owen seconded to ratify Ordinance No. 9, Series 2012. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

Schmidt moved and Mason seconded to lift the Stage 2 fire restrictions in the Town of Crested Butte as enacted in Ordinance No. 9, Series 2012. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

### **NEW BUSINESS**

#### **A) Discussion of Special Event Procedures For Political Representatives and Candidates.**

Mayor Huckstep explained that the agenda item is being presented because U.S. Senator Michael Bennett recently visited Crested Butte and those arranging a gathering for the Senator expressed concern about the Town's special event fees and insurance requirements.

Council discussed the topic at length. One Councilmember said he thought the matter had free speech implications and the Town should waive special event fees and insurance requirements for political events. Council questioned why a political representative is allowed to meet constituents at Town Hall with no fees or insurance required, yet if the event is held at the Rainbow Park Pavilion fees and insurance are required. The councilmember said there's minimal risk for this type of event and he does not believe insurance should be required.

Town Clerk Eileen Hughes explained that she spoke with Colorado Municipal League Attorney Geoff Wilson about the matter and Wilson said he did not understand why the Town would treat political representatives any differently than anyone else. Hughes also relayed that Wilson said he did not see any free speech implications if a political representative is subject to the Town's special event requirements just like other event holders.

Council asked Town Attorney John Belkin for his take on the matter. Belkin said he spoke with the Town's insurance provider (CIRSA) and risk did not seem to be a concern to CIRSA's

attorney, but Belkin added "there is no road map on the issue." Belkin said free speech is not the issue, but it's a question of risk and treating people uniformly.

Councilmembers expressed various opinions on the matter. One councilmember said perhaps political representatives can pay a facility rental fee for the Pavilion and the Town can waive the insurance requirements. Another councilmember said he understands the argument about making exemptions for political candidates, but noted that staff believes that everyone should be treated equally. One councilmember said Senator Bennett's staff was not even aware there were concerns about special event requirements and the issue was raised by the Gunnison County Democratic Party. Several councilmembers said they were interested in continuing the discussion on the matter at the next Council meeting when the Town Manager will be present.

Council directed staff to draft a proposal to exempt political candidates and representatives from the Town's special event requirements and place the item on the next meeting agenda.

B) Review and Possible Action Regarding a Memorandum of Agreement with the Gunnison Valley Transportation Authority (GVTA) Concerning A Contract With United Airlines for Minimum Revenue Guarantees.

Mayor Huckstep explained that the Rural Transportation Authority (RTA) has not provided substantive information regarding the draft Memorandum of Agreement (MOU). Town Attorney John Belkin explained that the draft MOU was provided to the Town at the last minute the previous Friday and it seems like things are being rushed. Huckstep added that he thought other municipalities would also be party to the MOU. Council noted that RTA director Scott Truex was not in attendance at the meeting.

Crested Butte News editor Mark Reaman, speaking as a local resident, asked Council if it is comfortable donating money to a private entity (i.e. Crested Butte Mountain Resort, which has stated it has personally agreed to minimum revenue guarantees with United Airlines).

Councilmember Roland Mason, who serves on the RTA Board of Directors, clarified that that any funding the Town provides will not go directly to CBMR. Mason said the RTA is "brokering the deal" with United Airlines and added that CBMR verbally said they would pay the guarantee. Council agreed that the MOU was not ready to be reviewed at this point.

Owen moved and Mason seconded to continue the agenda item regarding an MOU with the RTA to the August 7, 2012 Council meeting. A roll call vote was taken with all voting "Yes." **Motion passed unanimously.**

### **LEGAL MATTERS**

A councilmember asked Town Attorney John Belkin a question about speaking with a constituent regarding a building concern. Belkin explained that it's okay for councilmembers to discuss legislative matters, but they should not discuss matters that may be headed for quasi-judicial hearings such as an appeal of a decision by the Board of Zoning and Architectural Review. Belkin noted that he recently sent Council a memo on the topic.

### **OTHER BUSINESS**

1. Discussion of Carolyn Blanchard's request regarding her landscaping encroachments into the Town right-of-way. Council noted the letter from Blanchard on the subject. Council requested a staff report on the topic for the August 7, 2012 meeting.

2. Waste Management Logos on Solar Belly Recycling Receptacles.  
Council said it would like to discuss the matter in the future.
3. Request for Letter of Support to the U.S. Forest Service Regarding Replacement of Bridge at the Deadman's Gulch Trailhead. Council directed staff to write a letter to the U.S. Forest Service in support of the bridge and have the Mayor sign the letter.
4. Budget Process  
Finance Director Lois Rozman said she is concerned about the budget process and projects such as the proposed Avalanche Park campground coming to Council independent of the budget process. Rozman said this is not beneficial because Council is getting information in a vacuum. Rozman suggested Council schedule a work session in August to discuss capital projects. Council agreed to schedule a budget work session on September 6, 2012 and also decided to reschedule the August 20, 2012 Council meeting to August 23, 2012 due to conflicts with a USA Pro-Challenge pre-event "hype" party.

### **COUNCIL REPORTS AND COMMITTEE UPDATES**

Glenn Michel:

- Attended a Mt. Express Board Meeting.

Shaun Matuszewicz:

- The Tourism Association recently met. He was unable to attend, but he reviewed meeting details with the Chair of the Board.
- He plans to attend an upcoming Chamber of Commerce meeting.

David Owen:

- The West Elk Loop Scenic Byway Committee recently met in Crested Butte. New signs have been installed on Kebler Pass and in Almont.

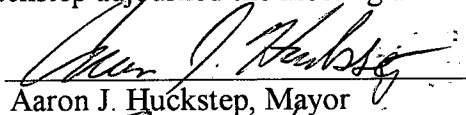
Aaron Huckstep:

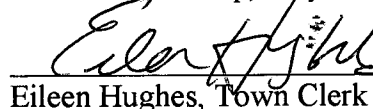
- Noted an article Parks and Recreation Director Jake Jones forwarded to Council about solar bellies.
- He received an email from an Arizona resident who said he was extremely disappointed in the 4<sup>th</sup> of July parade in Crested Butte because it was political in nature.
- The new signage on the Lupine Trail looks good.
- There seemed to be good attendance at the Bluegrass in Paradise event.

Jim Schmidt:

- The Council needs to schedule a work session about affordable housing and other options for revenue and to also hold a discussion about the future of the Affordable Housing Committee. Council agreed to schedule a work session.

Mayor Huckstep adjourned the meeting at 10:11 p.m.

  
Aaron J. Huckstep, Mayor

  
Eileen Hughes, Town Clerk

